

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**STEVE BUCHANAN,**

**Plaintiff,**

**vs.**

**TAC AIR,**

**Defendant.**

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**CASE NO. 8:05CV527**

**ORDER OF DISMISSAL**

This matter is before the Court on the Motion to Dismiss filed by Plaintiff Steve Buchanan. (Filing No. 12). The Complaint was filed in the District Court of Douglas County, Nebraska, and subsequently removed to this Court. The Notice of Removal states that the Defendant Tac Air filed an Answer to the Complaint in state court on December 1, 2005, though a copy of the Answer was not attached to the Notice of Removal. (Filing No. 1, ¶ 1). The Plaintiff seeks to dismiss the case for the reason that there is no controversy between the parties. Because the Plaintiff has not requested that dismissal be with prejudice, pursuant to Fed. R. Civ. P. 41(a)(2), the dismissal shall be without prejudice.

**IT IS ORDERED:**

1. The Plaintiff's Motion to Dismiss (Filing No. 12) is granted;
2. The Complaint, all claims and all counterclaims are dismissed without prejudice;
3. The parties shall pay their own costs and attorney fees unless otherwise agreed by and between them in writing.

Dated this 4<sup>th</sup> day of May, 2006.

**BY THE COURT**

s/Laurie Smith Camp  
United States District Judge